

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFRED L. BROOKS,

Plaintiff,

No. CIV S-97-2117 LKK PAN P

vs.

DR. JAMES BUSI, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On September 13, 2004, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within eleven days. On September 30, 2004, plaintiff was granted an additional thirty days in which to file objections. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

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1 file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed September 13, 2004, are adopted in
5 full; and

6 2. This action is dismissed because defendants Smith and Busi are entitled to
7 qualified immunity.

8 DATED: May 31, 2005.

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10 /s/Lawrence K. Karlton
UNITED STATES DISTRICT JUDGE

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